REMARKS

The following remarks are being submitted as a full and complete response to the Office Action dated June 24, 2008. In view of the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 4-5, 7-10, 12 & 14 are under consideration in this application. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejection

Claims 4-5, 7-8, 9-10, 12 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Ohba et al. (US 6,605,344). This rejection has been carefully considered, but is most respectfully traversed, as more fully discussed below.

The present invention provides a method for producing a stretched laminate film with oxygen-gas barrier properties. The stretched laminate film includes a layer (a) formed from a composition of a polycarboxylate-based polymer (A) and a plasticizer (B), a layer (c) containing a multivalent metal compound (C) and a layer (b) formed from a thermoplastic resin. The stretched laminate film includes at least one layer structural unit where the layer (a) and the layer (c) are adjacent to each other. The method of producing the stretched laminate film of claim 4, comprises the steps of: superposing at least one of the layer (a) and the layer (c) on at least one surface of the layer (b); and stretching a laminate film including the layer (a), the layer (b) and the layer (c) with a surface stretch ratio of 1.1 to 100.

Contrary to the Examiner's assertion that all elements of 4-5, 7-10, 12 & 14 are disclosed by Ohba (p. 3, 1st paragraph, last 2 lines of the outstanding Office Action), Applicants respectfully contend that Ohba fails to teach or suggest at least a step of "stretching a laminate film including the layer (a), the layer (b) and the layer (c) containing a multivalent metal compound with a surface stretch ratio of 1.1 to 100" as in recited in claim 4.

Ohba only stretches a "polymer layer" or a "nylon film," but not any "metallic-compound-containing layer" as in the present invention. In particular, Ohba stretches a film which comprises a polymer layer (and an optional plastic film) under heating, but not any

metallic-compound-containing layer. Ohba then obtains a gas-barrier film by applying a metallic-compound-containing layer to the surface of the polymer layer formed from a mixture of a poly(moth)acrylic acid polymer and a polyalcohol (Abstract; col. 2, lines).

Ohba's polymer layer simply does not contain any metal ("*The process for forming a polymer layer from the above-prepared composition is not particularly limited. For example, a "polymer layer" is obtained through any of the following processes: .... a process in which an aqueous solution containing a polymer mixture at high concentration is applied onto a plastic film, and the film is* ***stretched*** *under heating* " col. 6, line 27-39), and only Ohba's "metallic-compound-containing layer" contains metal.

All other portions of Ohba's disclosure support interpreting col. 2, lines 47-53 as follows: "In the present invention, a metallic-compound-containing layer which is applied to the surface of a polymer layer may be a layer containing a metallic compound alone, or a layer containing a resin in which a metallic compound is mixed or dispersed (hereinafter the layer will be referred to as "layer of a mixture of metallic compound and resin")" where the phrase "which is applied to the surface of a polymer layer" only describes the metallic compound-containing layer and nothing else.

Ohba also mentions a "stretched nylon film" at many instances, but not any stretched *metallic compound layer*. For example, "*In order to impart strength or sealability to the gas-barrier film of the present invention, a plastic film may further be laminated on the gas-barrier film, to thereby form a laminated gas-barrier film.... Specific examples of layer structures of laminated gas-barrier film include "****stretched*** *nylon layer"/polymer layer/metallic compound layer/non-stretched polypropylene layer, etc.* (col. 9, line 62 to col. 10, line 25)."

In short, Ohba only stretches its "polymer layer" or its "nylon film," but not its "metallic-compound-containing layer."

By stretching the laminate film including the layer (a), the layer (b) and the layer (c) with a surface stretch ratio of 1.1 to 100, the present invention provides the stretched laminate film with excellent oxygen-gas barrier properties and thinner films, i.e., better performance and lower production costs (p. 6, lines 5-12; p. 42, lines 1-7). The above-mentioned effects achieved by the present invention are unexpected from Ohba's gas-barrier film producing method which neither discloses nor suggests stretching a film comprising a metallic-compound-containing layer.

Applicants contend that Ohba fails to teach or suggest each and every feature of the present invention as recited in at least independent claim 4. As such, the present invention as

now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

September 24, 2008

SPF/JCM/JT